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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,493	02/21/2001	Allan Henrik Suonpera	367.39683X00	6757
22907	7590	02/23/2006		
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			EXAMINER PAN, YUWEN	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/788,493	<b>Applicant(s)</b> SUONPERA ET AL.	
	<b>Examiner</b> Yuwen Pan	<b>Art Unit</b> 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/05 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues that “mere selection of programmable features is entirely dissimilar to selecting a set of personalized information of a portable device to transmit to a computing device.” The examiner respectfully disagrees applicant’s assertion that teaching from Piosenka is mere selection of programmable features. Piosenka teaches the method of programming the cellular telephone that is implemented on the computing device with a software application. Such software is acting as a platform between the computing device and cellular phone such that user data, such as phone numbers, volume control ring controls, etc. would be able to download to the computing device and upload back to the source cellular phone or to another one. Phone numbers, volume controlling, and ring controls constitute user selected personalized information. While the user data were successfully downloaded to the computing device, a user would be able to further modify the user data such as adding phone numbers and contact information prior to upload to another phone or source phone (see column 6 and lines 30-60). Therefore, Piosenka’s

teaching of selection of programmable features is similar to selecting a set of personalized information of a portable device to transmit to a computing device.

3. The examiner acknowledges that claim 1-20 has been cancelled without prejudices and claims 21-40 are newly added.

### *Claim Objections*

4. Claim 29 is objected to because of the following informalities: "receiving", line 6, should be replaced with "transmitting". Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21-25, 27, 29-33, 35, 36, 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piosenka et al (US005926756A).

Per claim 21, Piosenka discloses a method of transferring a plurality of personalized information from a first portable device having a first memory to a second portable device having a second memory (see column 1 and lines 67-column 2 and line 7, figure 1-4, inherently both computer device and portable device comprising memory), comprising steps of: establishing a connection between the first portable device and a computing device (see figures 1-4); transmitting a first set of one or more of the plurality of personalized information of the first portable device from said first memory to the computing device(see column 6 and lines 34

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and 35); receiving a user selection of a second set of one or more personalized information to be transmitted to the second portable device (see column 6 and lines 55-60), wherein the second set is selected from the first set of one or more personalized information; establishing a connection between the computing device and the second portable device; and transmitting the modified second set of one or more personalized information to the second portable device (see column 6 and lines 30-60). Picoenka doesn't expressly teach modifying the second set of one or more personalized information in accordance with the capabilities of the second portable device. The examiner takes an "Official Notice" that it is notoriously well known that one ordinary skill in the art would evaluate the capability of the second portable device and modifying the transmitting information accordingly, e.g. before upload the information, the computer would check the capacity of the memory within the second portable device and reduce/maintain the size of transmitting data accordingly. It would have been obvious to one ordinary skill in the art at the time the invention was made to evaluate and modify according to the capability of the second portable device such that transmitted data would not exceed the capacity of the ending terminal.

Per claim 22, Picoenka further discloses that the personalized information includes phone numbers, message content, profile setting, and cell setting and service settings (see column 1 and lines 10-15, column 2 and lines 5-10).

Per claim 23, Picoenka further discloses that the established connection between the computer and phone is a wire-based data connection (see column 7 and lines 24-38).

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Per claim 24, the claim is interpreted and rejected for the same reason as set forth in claim 21.

Per claim 25, Picosenka further teaches that the first set of one or more personalized information is user selected (see 39-47).

Per claim 27, the claim is interpreted and rejected for the same reason as set forth in claim 21.

Per claim 29, the claim is interpreted and rejected for the same reason as set forth in claim 21

Per claim 30, the claim is interpreted and rejected for the same reason as set forth in claim 21.

Per claim 31, the claim is interpreted and rejected for the same reason as set forth in claim 25.

Per claim 33, the claim is interpreted and rejected for the same reason as set forth in claim 21.

Per claim 35, the claim is interpreted and rejected for the same reason as set forth in claim 21.

Per claim 36, the claim is interpreted and rejected for the same reason as set forth in claim 21.

Per claim 38, the claim is interpreted and rejected for the same reason as set forth in claim 21.

Per claim 40, Piosenka further teaches that the personalized information includes at least one of a phone book content, a message content, a profile setting, a phone call setting or a service setting.

7. Claims 26, 28, 32, 34, 37, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piosenka et al (EP000827353A2) in view of Dahm (US006301471B1).

Per claim 26, Piosenkia discloses an analogous art as recited in claim 21. Piosenka doesn't teach that a secure WAP session connection is established.

Dahm teach to utilize WAP for communication session of handhold device (see column 9 and lines 58-65).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Dahm with Piosenka's device such that the WAP, a common standard, simplifies the translation between handhold devices. Furthermore, for your information, wireless application protocol was introduced in January, 1998 by Ericsson, Motorola, Nokia and Unwired Planet. The purpose of this protocol is to create a global wireless

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protocol specification that works across differing wireless network technology type for adoption by appropriate industry standards bodies.

Per claim 28, the claim is interpreted and rejected for the same reason as set forth in claim 26.

Per claim 32, the claim is interpreted and rejected for the same reason as set forth in claim 26.

Per claim 34, the claim is interpreted and rejected for the same reason as set forth in claim 26.

Per claim 37, the claim is interpreted and rejected for the same reason as set forth in claim 26.

Per claim 39, the claim is interpreted and rejected for the same reason as set forth in claim 26.


### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yuwen Pan  
2/17/06

  
LEE NGUYEN  
PRIMARY EXAMINER